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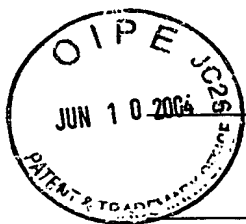
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joseph E. Kaminkow

Attorney Docket No.: IGT1P061/P-573

Application No.: 09/927,742

Examiner: Corbett B. Coburn

Filed: August 10, 2001

Group: 3714

Title: FLEXIBLE LOYALTY POINTS
PROGRAMS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on June 7, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed:

Tomika Thomas
Tomika Thomas

**PETITION TO REVIVE UNAVOIDABLY
ABANDONED APPLICATION OR LAPSED PATENT
(37 CFR 1.137(a))**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions that the abandoned application or lapsed patent be revived.

The required reply ☐ is attached. ☒ has been filed.
☐ is a continuing application which is attached.
☐ is a Request for Continued Examination which is attached.

Attached are verified documents showing that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unavoidable.

☐ A terminal disclaimer if required by 37 CFR 1.137(c) is attached.

☒ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No. IGT1P061).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

David P. Olynick
David P. Olynick
Registration No. 48,615

P.O. Box 778
Berkeley, CA 94704-0778

Docket #	IGT1P061/P-573	By:	DPO/tt	Date of this mailing:	November 20, 2003
Appl'n # :	09/927,742	Filing Date:	08/10/2001	Express Mail #	NA
Inv(s)	Joseph E. Kaminkow				
Title:	FLEXIBLE LOYALTY POINTS PROGRAMS				

The following have been received in the U.S. Patent Office on the date stamped hereon:

Item	Description	# Pgs
1.	Amendment Transmittal w/Certificate of Mailing	1
2.	Amendment D w/Certificate of Mailing	14
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		



BEYER WEAVER & THOMAS, LLP
 SEEN/CONFIRMED
 BY DOCKETING DEPT.
 DATE: 12/02/03 BY: MT





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Signed:

Tomika Thomas

AMENDMENT TRANSMITTAL

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims After Amendment		Highest Previously Paid For	Present Extra	Small Entity Rate Fee	Large Entity Rate Fee
Total Claims	58	MINUS	58	0	x 9 =	x 18 = 0
Independent Claims	4	MINUS	4	0	x 43 =	x 86 = 0
Multiple Dependent Claim Present and Fee Not Previously Paid					\$145.00	\$290.00
Total					\$	\$0



Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 500388.



Please charge the required fees, or any additional fees required to facilitate filing the enclosed response, to Deposit Account No. 500388 (Order No. IGT1P061).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

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Reg. No. 48,615

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Berkeley, CA 94704-0778



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kaminkow

Attorney Docket No.: IGT1P061/P-573

Application No.: 09/927,742

Examiner: Corbett Coburn

Filed: August 10, 2001

Group: 3714

Title: FLEXIBLE LOYALTY POINTS
PROGRAMS

CERTIFICATE OF MAILING

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Signed:

Tomika Thomas

AMENDMENT C

Mail Stop No Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated August 20, 2000 please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Currently Amended) In a mechanism, a method of awarding player tracking points to patrons of a gaming establishment, the method comprising:
 - (a) determining automatically that a patron has begun an activity for which at least one of player tracking points and comps are accrued;
 - (b) during said activity, accruing automatically player tracking points for said patron; and
 - (c) awarding said patron player tracking points accrued during said activity wherein the mechanism is capable of awarding the player tracking points to the patron without receiving one of identification information, account information and combinations thereof from the patron prior to awarding of the player tracking points.
2. (Original) The method of claim 1, wherein the gaming establishment is a casino.
3. (Original) The method of claim 1, wherein the gaming establishment is a gaming entity comprising a plurality of venues.
4. (Original) The method of claim 1, wherein said activity is playing a gaming machine of the gaming establishment.
5. (Original) The method of claim 1, wherein said activity is playing a game of chance within the gaming establishment.
6. (Original) The method of claim 1, wherein the accruing of player tracking points begins without receiving player tracking information from the patron.
7. (Original) The method of claim 1, wherein the patron has a player tracking account with the gaming establishment.

8. (Original) The method of claim 1, wherein the patron has a player tracking account with the gaming establishment, and wherein the player tracking points are awarded to said patron anonymously, without crediting the patron's player tracking account.

9. (Original) The method of claim 1, further comprising:
converting some or all of the awarded player tracking points to at least one of comps, goods and services without crediting any of the player tracking points to a player tracking account.

10. (Original) The method of claim 1, further comprising:
storing the awarded player tracking points on a loyalty program instrument.

11. (Original) The method of claim 10, further comprising:
crediting the player tracking points stored on the loyalty program instrument to a player tracking account of the patron.

12. (Original) The method of claim 10, wherein the loyalty point instrument is selected from the group consisting of a smart card, a debit card, a magnetic striped card, a printed ticket, a room key and a portable wireless device.

13. (Original) The method of claim 1, wherein the activity for which loyalty points are accrued occurs in a venue affiliated with the gaming establishment.

14. (Currently Amended) In a mechanism, a method of awarding loyalty points to patrons of a gaming establishment, the method comprising:

(a) determining automatically that a patron has begun an activity for which loyalty points are accrued;

(b) during said activity, accruing automatically loyalty points for said patron; and

(c) awarding said patron loyalty points accrued during said activity wherein the activity is one of a food purchase, an entertainment purchase, a transportation purchase, lodging purchase, merchandise purchase, a service purchase and combinations thereof and wherein the awarded loyalty points are combinable with loyalty points earned from playing a game of chance at the gaming establishment wherein the mechanism is capable of awarding the loyalty points to the patron without receiving one of identification

information, account information and combinations thereof from the patron prior to awarding of the player tracking points.

15. (Currently Amended) In a mechanism, a method of awarding loyalty points to patrons of a gaming establishment, the method comprising:

determining automatically that a patron has begun an activity for which loyalty points are accrued;

accruing automatically loyalty points for said patron during the activity;

awarding to the patron some or all of the loyalty points accrued during said activity; and

issuing to the patron a loyalty program instrument designed or configured to store the awarded loyalty points

wherein the mechanism is capable of awarding the loyalty points to the patron without receiving one of identification information, account information and combinations thereof from the patron prior to awarding of the player tracking points.

16. (Original) The method of claim 15, wherein the gaming establishment is a casino.

17. (Original) The method of claim 15, wherein the gaming establishment is a gaming entity comprising a plurality of venues.

18. (Original) The method of claim 15, wherein said activity is playing a gaming machine of the gaming establishment.

19. (Original) The method of claim 15, wherein said activity is playing a game of chance within the gaming establishment.

20. (Original) The method of claim 15, wherein said activity is a food purchase, an entertainment purchase, a transportation purchase, a lodging purchase, a merchandise purchase and a service purchase.

21. (Original) The method of claim 20, wherein said activity occurs in a venue within the gaming establishment.

22. (Original)The method of claim 20, wherein said activity occurs in a venue affiliated with the gaming establishment.

23. (Original) The method of claim 22, wherein the venue affiliated with the gaming establishment is in communication with the gaming establishment via the Internet.

24. (Original) The method of claim 15, wherein the loyalty points stored on the loyalty program instrument are redeemable for at least one of comps, goods and services provided by the gaming establishment.

25. (Original) The method of claim 15, wherein a rate at which the patron accrues loyalty points varies according to one or more of a time of day, days of a week, months of a year, an amount wagered, a game denomination, a promotional event, a game type and a rate of wagering.

26. (Original) The method of claim 15, wherein the accruing of loyalty points begins without receiving a player tracking card from the patron.

27. (Original) The method of claim 15, wherein the accruing of loyalty points begins without receiving player tracking information from the patron.

28. (Original) The method of claim 15, wherein the patron has a player tracking account with the gaming establishment.

29. (Original)The method of claim 15, wherein the patron has a player tracking account with the gaming establishment, and wherein the accrued loyalty points are awarded to said patron anonymously, without crediting the patron's player tracking account.

30. (Original) The method of claim 15, further comprising:
converting some or all of the accrued loyalty points to at least one of goods and services without crediting any of the loyalty points to a player tracking account.

31. (Original)The method of claim 15, further comprising:

crediting the loyalty points stored on the loyalty point instrument to a player tracking account of the patron.

32. (Original) The method of claim 31, wherein the loyalty points are credited to the patron's player tracking account using at least one of a phone, a gaming machine, a clerk validation terminal, a cashier station, a casino kiosk, a hand-held wireless device, video display interface in a hotel room and via mail.

33. (Original) The method of claim 15, wherein the loyalty program instrument is at least one of a printed ticket, a magnetic striped card, a room key, a portable wireless device and a smart card.

34. (Original) The method of claim 15, wherein the loyalty program instrument is designed or configured to store one or more of prize information, loyalty point information, an establishment, a location, a bar code, a instrument type, an issue date, a validation number, an issue time, an instrument number, an instrument sequence number and a machine number.

35. (Original) The method of claim 15, further comprising:
redeeming the loyalty points stored on the loyalty point instrument for comps, goods and services using at least one of a phone, a gaming machine, a clerk validation terminal, a cashier station, a casino kiosk, a hand-held wireless device, a web interface and a video display interface located in a hotel room, and via mail.

36. (Original) In a gaming machine, a method of awarding loyalty points to an anonymous game player, the method comprising:

- detecting a first gaming event initiated by the game player at the gaming machine;
- in response to the first gaming event, accruing loyalty points;
- detecting a second gaming event at the gaming machine;
- determining an amount of loyalty points accrued between the first gaming event and the second gaming event; and
- awarding to the game player some or all of the accrued loyalty points;
- issuing to the game player a loyalty program instrument designed or configured to store the awarded loyalty points

wherein the gaming machine issues the loyalty program instrument to the game player without receiving identification information from the game player.

37. (Original) The method of claim 36, wherein the loyalty program instrument is designed or configured to store one or more of prize information, loyalty point information, an establishment, a location, a bar code, a instrument type, an issue date, a validation number, an issue time, an instrument number, an instrument sequence number and a machine number.

38. (Original) The method of claim 36, wherein the loyalty program instrument is at least one of a printed ticket, a magnetic striped card, a room key, a portable wireless device and a smart card.

39. (Original) The method of claim 36, wherein the first gaming event is one or more of depositing an indicia of credit into the gaming machine, inserting a card into a card reader located on the gaming machine, activating an input button on the gaming machine, inputting a loyalty program instrument into a gaming device on the gaming machine or entering a code into the gaming machine.

40. (Original) The method of claim 36, further comprising:
storing information to the loyalty program instrument.

41. (Original) The method of claim 36, wherein the second gaming event is detecting zero credits registered on the gaming machine, the gaming machine remaining idle for an amount of time, detecting a tilt condition or detecting an error condition, detecting a game player's request for a loyalty program instrument.

42. (Original) The method of claim 36, further comprising:
inputting a first loyalty point instrument into the gaming machine;
determining an amount of loyalty points stored on the first loyalty point instrument;
validating the first loyalty point instrument; and
when the first loyalty point instrument has been validated, adding the loyalty points stored on the loyalty point instrument to an amount of loyalty points awarded to the game player.

43. (Original) The method of claim 42, wherein the loyalty point instrument is input into the gaming machine using at least one of a card reader, a wireless interface, a bill validator and a ticket reader.

44. (Original) The method of claim 36, further comprising:
displaying the awarded amount of loyalty points to the game player.

45. (Original) The method of claim 36, further comprising:
storing loyalty program transaction information on a memory device located on the gaming machine.

46. (Original) The method of claim 36, further comprising:
sending loyalty program transaction information to a gaming device located outside of the gaming machine.

47. (Original) The method of claim 36, further comprising:
displaying a prize menu wherein the prize menu includes one or more prizes redeemable for an amount of loyalty points;
receiving a prize selection selected from the one or more prizes displayed on the prize menu; and
when the amount of loyalty points required to redeem the prize is less than an amount of loyalty points available on the gaming machine,
issuing a loyalty program instrument wherein said loyalty program instrument is used to redeem the selected prize.

48. (Original) The method of claim 36, further comprising:
presenting a game play sequence between the first gaming event and the second gaming event wherein said game play sequence includes game play of one or more games.

49. (Original) The method of claim 48, wherein the one or more games is selected from the group consisting of video slot games, mechanical slot games, video black jack games, video poker games, video keno games, video pachinko games, video card games, video games of chance and combinations thereof.

50. (Original) The method of claim 36, wherein a rate at which the player accrues loyalty points varies according to one or more of a time of day, days of a week, months of a year, an amount wagered, a game denomination, a promotional event, a game type and a rate of wagering.

51. (Original) The method of claim 36, wherein the loyalty points are accrued without receiving a player tracking card from the game player.

52. (Original) The method of claim 36, wherein the loyalty points are accrued without receiving player tracking information from the game player.

53. (Original) The method of claim 36, further comprising:
performing a loyal program instrument transaction.

54. (Original) The method of claim 36, further comprising
presenting on the gaming machine at least one of a particular game, a particular bonus game, a game feature and a bonus game feature in exchange for an amount of loyalty points redeemed on the gaming machine.

55. (Original) The method of claim 36, wherein said accrued loyalty points are determined by a logic device located on the gaming machine.

56. (Original) The method of claim 36, wherein a first gaming machine is designed or configured to communicate loyalty point information to a second gaming machine.

57. (Original) The method of claim 56, further comprising:
simultaneously accruing loyalty points on the first gaming machine and the second gaming machine;

communicating an amount of loyalty points awarded on the second gaming machine to the first gaming machine;

combining an amount of loyalty points awarded on the second gaming machine with an amount of loyalty points awarded on the first gaming machine; and

issuing a loyalty program instrument designed or configured to store the combined awarded loyalty points.

Claims 58-103 Cancelled.

104. (New) The method of claim 56, further comprising: wherein the player tracking points are accrued without initiating a player tracking session.

REMARKS

Claims 1-57 are currently remain in the application. Claims 1, 14 and 15 have been amended.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-22, 24-27, 29-41, 44-46, 48-53 and 55 under 35 U.S.C. 103 (a) as being unpatentable over Walker et al. (US Patent No. 6, 379, 247) as applied to claim 1 or 15 in view of Cumbers (US Patent No. 6, 142, 876). The rejection is respectfully traversed.

Claims 1, 14 and 15 as amended describe methods implemented on mechanisms with limitations as recited in claim 1 as “(a) determining automatically that a patron has begun an activity for which at least one of player tracking points and comps are accrued; (b) during said activity, accruing automatically player tracking points for said patron wherein the mechanism is capable of awarding the player tracking points to the patron without receiving one of identification information, account information and combinations thereof from the patron prior to awarding of the player tracking points.” In Walker, the activity is not determined automatically by the mechanism. Further, in Walker, the points are not automatically accrued by the mechanism. The dealer provides manual inputs to the mechanism based upon wager amounts for each player to accrue miles (see Col. 8).

The Examiner argues that the deficiencies in Walker are overcome by combining it with a mechanism that implements traditional playing tracking methods as described in Cumbers. In traditional player tracking methods, player tracking points are not awarded unless to the player unless identification information and/or account information is first received by the player tracking system. Thus, when account information or identification is not provided in traditional player tracking systems such as Cumbers, the player tracking points are lost to the player. The disadvantages of traditional player tracking systems, such as Cumbers, in regards to the loss of player tracking points are described in detail in the back ground section of the present invention. An advantage of the present invention is that allows for the awarding of player tracking points that would be traditionally lost to the player in a player tracking system.

The Applicant respectfully submits that the combination of Walker and Cumbers is an improper combination because in the present invention, the mechanism is capable of awarding player tracking points to the patron without receiving one of identification information, account

information and combinations thereof from the patron prior to awarding of the player tracking points. Cumbers specifically requires that identification information or account information be provided prior to the award of the player tracking points to a player, which teaches away from the present invention. Further, the purpose of the device in Cumbers is to provide player tracking and award player tracking points to identified players (see Col. 2, 45-51). The modifications proposed by the Examiner do not allow the device in Cumbers to act for its intended purpose, which is to track players and to award player tracking points to tracked players, because if player identification information or account information is not received in the system of Cumbers prior to awarding the player tracking points, then the player can not be tracked nor can the player tracking points be awarded.

The Applicant also believes the Examiner has not provided a teaching or motivation for the combination that is taught in the references or inherent in the art. The Examiner states, *"it would have been obvious to one of the ordinary skill in the art to have implemented Walker's system on slot machines as suggested by Cumbers and automatically determining that the patron has begun an activity for which player-tracking points accrue in order to take advantage of the tremendous popularity of slot machines which maintaining the high level of profits that accrue because the slot machines do not require excessive dealer invention."* First, Applicant respectfully asks the Examiner to point out a teaching in Cumbers (or Walker) that suggests applying the method of Walker on a slot machine. Applicant believes the Examiner has not provided such a reference to such a teaching and the applicant formally requests the Examiner to provide a specific instance in any reference of such a teaching. Applicant believes Walker or Cumbers do not provide any suggested motivation for the combination.

Second, the Examiner states that a motivation for the combination is increased profits. Examiner states the profit motive is well known and well recognized. Applicant agrees with the Examiner that slot machines are profitable. However, comp systems work by returning a percentage of the casinos profits back to known players to increase player loyalty. The percentage returned to the player is based on the number of points accrued. In the present invention, the player tracking points are awarded to a player whether they are known or not and whether they are member of player tracking club or not. Further, the present invention awards player tracking points that previously would not have been awarded. Thus, more points may be awarded with the present invention than with traditional systems (more points awarded means more comps and higher costs) and without the guarantee of player loyalty since the player is not known. Thus, it can't be necessarily said that the present invention or methods in Walker will lead to higher profits when applied to a gaming machine. Thus, Applicant respectfully requests

the Examiner to provide a specific reference that teaches that applying the method of Walker in gaming machines will lead to increased or maintained profits on the gaming machine as used by the Examiner as a motivation for the combination.

Therefore, for at least these reasons Walkers, Cumbers or the combinations of Walkers and Cumbers can't be said to render obvious the inventions as recited in claims 1-22, 24-27, 29-41, 44-46, 48-53 and 55 and the objection is believed overcome thereby.

The Examiner rejected claims 23 under U.S.C. 103 (a) as being unpatentable over Walker et al. and Cumbers as applied to claim 22, and in further view of Boushy. The rejection is respectfully traversed.

As described above, Cumbers teaches away from the present invention as recited in claims 36 and there is not proper motivation for the combination. Thus, the combination is improper. Therefore, for at least the reasons recited above, Walker, Cumbers and Boushy or the combination of Walker, Cumbers and Boushy can't be said to render obvious the invention as recited in claim 23 and the objection is believed overcome thereby.

The Examiner rejected claims 42, 43, 54, 56 and 57 and 104 under U.S.C. 103 (a) as being unpatentable over Walker et al. and Cumbers as applied to claim 36, and in further view of Burns (US Patent No. 6, 048, 269). The rejection is respectfully traversed.

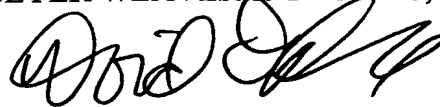
Burns describes identifying a player using an identification card to determine the amount of time and/or money spent by the player (see Col. 6, 1. 56-57). Thus, Burns also teaches away from the present invention. Burns does not provide teachings that overcome the limitations of Walker and Cumbers described above. Therefore, for at least these reasons, Walker, Cumbers, Burns or the combinations of Walker, Cumbers, and Burns can't be said to render obvious the invention as recited in claims 42, 43, 54, 56 and 57 and the objection is believed overcome thereby.

The Examiner rejected claims 47 under U.S.C. 103 (a) as being unpatentable over Walker et al. and Cumbers as applied to claim 36, and in further view of Kelly (US Patent No. 5, 816, 918). The rejection is respectfully traversed.

As described above, Cumbers teaches away from the present invention as recited in claims 36 and thus the combination is improper. Therefore, for at least the reasons recited above, Walker, Cumbers and Kelly or the combination of Walker, Cumbers and Kelly can't be said to render obvious the invention as recited in claim 47 and the objection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



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